

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



  
Russ Kendig  
United States Bankruptcy Judge

Dated: 03:12 PM December 13, 2021

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**IN RE:** : **Chapter 13 Proceedings**  
**Anthony W. Manion and** : **Case No.: 21-60998**  
**Merrienne Manion,** : **Judge Russ Kendig**  
**Debtors.**

**ORDER CONFIRMING PLAN**

The Chapter 13 Plan in this case filed as attached came on for Confirmation at a hearing before the Court. Based upon the papers filed in this case, information presented by the Standing Chapter 13 Trustee (the "Trustee") and such other matters, if any, presented by Debtor (or Debtors in a joint case) (the "Debtor"), Debtor's Counsel, any Objections or any other interested party, the Court finds that:

1. Notice of the confirmation hearing was duly given.
2. The Plan complies with applicable provisions of Title 11 of the United States Code (the "Bankruptcy Code").

**IT IS THEREFORE ORDERED THAT:**

1. The Plan is confirmed in all respects not contrary to prior or subsequent orders of the Court.
2. The Debtor shall not incur additional debt exceeding \$500.00 in the aggregate without notice to the Trustee and the approval of the Court.
3. The Debtor shall not transfer any interest in real property without the Court's approval.

4. All property of the estate scheduled in accordance with Bankruptcy Rule 1007(h), vest in the debtor(s) pursuant to 11 USC Section 1327(b). All property of the estate that is not properly scheduled or any property that is acquired subsequent to the filing of the petition does not vest to the debtor(s) and remains property of the estate unless Court ordered.
5. The Attorney for the Debtor is allowed a total fee of **\$3,600.00** of which **\$0.00** has been paid. The balance will be paid pursuant to the Court's administrative order regarding Attorney fees.
6. Interest shall be paid to non-governmental creditors with a valid security interest in personal property belonging to Debtor(s) at the Presumptive Interest Rate calculated in accordance with Administrative Order No. 17-2, or at the rate as indicated in a validly filed proof of claim, whichever is less. This section shall not apply to any creditor who has obtained a separate Order from this Court regarding the applicable interest rate on its claim.

###

**Approved By:**

/s/ Dynele L. Schinker-Kuharich

Dynele L. Schinker-Kuharich

Chapter 13 Trustee

A. Michelle Jackson Limas (0074750)

Staff Counsel to the Chapter 13 Trustee

200 Market Avenue North, Ste. 30

Canton, OH 44702

Telephone: 330.455.2222

Facsimile: 330.754.6133

Email: [DLSK@Chapter13Canton.com](mailto:DLSK@Chapter13Canton.com)

**NOTICES TO:**

Office of the United States Trustee, via the Court's Electronic Case Filing System at  
[RegisteredEmailAddress]@usdoj.gov

Office of the Chapter 13 Trustee, via the Court's Electronic Case Filing System at  
dlsk@Chapter13Canton.com

Debra E. Booher, Counsel for Anthony W. and Merrienne Manion, via the Court's Electronic  
Case Filing System at charlotte@bankruptcyinfo.com

Anthony W. Manion, Debtor, via regular mail at:  
220 Wyandotte Trail SW  
Hartville, OH 44632

Merrienne Manion, Debtor, via regular mail at:  
220 Wyandotte Trail SW  
Hartville, OH 44632

Fill in this information to identify your case:

Debtor 1 Anthony W. Manion  
First Name Middle Name Last Name

Debtor 2 Marrienne Manion  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Northern District of Ohio  
(State)

Case number 21-60998  
(If known)

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

\_\_\_\_\_

\_\_\_\_\_

Official Form 113  
**Chapter 13 Plan**

12/17

**Part 1: Notices**

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies.*

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 8	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$ 516.00 per month for 60 months *(36 month ACP)*

[and \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months.] *Insert additional lines if needed.*

See Docket No. 52  
 Order dated 12-16-2021

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.



**3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.**

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

*The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.*

- ☐ The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or  
 (b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	____%	\$ _____	\$ _____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	____%	\$ _____	\$ _____

*Insert additional claims as needed.*

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

*Check one.*

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

☒ The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or  
 (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
Seven Seventeen Credit Union	2012 Harley Davidson FLHTK	9,068.00 \$ _____	5.25 ____%	175.00 \$ _____	10,330.00 \$ _____
_____	_____	\$ _____	____%	\$ _____	\$ _____

Disbursed by:  
☒ Trustee  
☐ Debtor(s)

Disbursed by:  
☐ Trustee  
☐ Debtor(s)

*Insert additional claims as needed.*



**3.4 Lien avoidance.**

Check one.

☒ None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

- ☐ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Name of creditor  _____	a. Amount of lien \$ _____	Amount of secured claim after avoidance (line a minus line f) \$ _____
Collateral  _____	b. Amount of all other liens \$ _____	Interest rate (if applicable) _____ %
Lien Identification (such as judgment date, date of lien recording, book and page number)  _____ _____	c. Value of claimed exemptions + \$ _____	Monthly payment on secured claim \$ _____
	d. Total of adding lines a, b, and c \$ _____	Estimated total payments on secured claim \$ _____
	e. Value of debtor(s)' interest in property - \$ _____	
	f. Subtract line e from line d. \$ _____	
	Extent of exemption impairment (Check applicable box): <input type="checkbox"/> Line f is equal to or greater than line a. The entire lien is avoided. (Do not complete the next column.) <input type="checkbox"/> Line f is less than line a. A portion of the lien is avoided. (Complete the next column.)	

Insert additional claims as needed.

**3.5 Surrender of collateral.**

Check one.

☒ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

- ☐ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor

Collateral

\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_  
\_\_\_\_\_

Insert additional claims as needed.

**Part 4: Treatment of Fees and Priority Claims****4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be 7.5 % of plan payments; and during the plan term, they are estimated to total \$ 2,159.00.

**4.3 Attorney's fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$ 3,600.00.

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Check one.

☐ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The debtor(s) estimate the total amount of other priority claims to be \$3,467.45.

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

☒ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). This plan provision requires that payments in § 2.1 be for a term of 60 months; see 11 U.S.C. § 1322(a)(4).

Name of creditor

Amount of claim to be paid

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Insert additional claims as needed.

**Part 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

☐ The sum of \$ \_\_\_\_\_.

☐ \_\_\_\_\_ % of the total amount of these claims, an estimated payment of \$ \_\_\_\_\_.

☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ 11,383.00. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.



**5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

☐ The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____	\$ _____
_____	\$ _____ Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	\$ _____	\$ _____

*Insert additional claims as needed.*

**5.3 Other separately classified nonpriority unsecured claims. Check one.**

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

☐ The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows

Name of creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)	Estimated total amount of payments
_____	_____	\$ _____	_____%	\$ _____
_____	_____	\$ _____	_____%	\$ _____

*Insert additional claims as needed.*

**Part 6: Executory Contracts and Unexpired Leases****6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

☒ **Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Debtor **Anthony W. Manion**

**Case number** 21-60998

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments by trustee
<u>GM Financial</u>	<u>2019 Chevrolet Trax</u>	<u>\$ 336.37</u> Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)	<u>\$ 0.00</u>	<u>n/a</u>	<u>\$ 0.00</u>
<u> </u>	<u> </u>	<u>\$ _____</u> Disbursed by: <input type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	<u>\$ _____</u>	<u> </u>	<u>\$ _____</u>

*Insert additional contracts or leases as needed.*

## Part 7: Vesting of Property of the Estate

**7.1 Property of the estate will vest in the debtor(s) upon**

**Check the applicable box:**

- ☒ plan confirmation.
- ☐ entry of discharge.
- ☐ other: \_\_\_\_\_

## Part 8: Nonstandard Plan Provisions

### 8.1 Check "None" or List Nonstandard Plan Provisions

- ☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

*Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.*

***The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.***

**Debtors paid off the loan to Eagle Loan for the 2004 Mazda Miata. As such, the Trustee shall not pay any claim filed by Eagle Loan.**

**Part 9: Signature(s):****9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

*If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.*

**x /s/ Anthony W. Manion**

Signature of Debtor 1

Executed on 09/28/2021  
MM / DD / YYYY**x /s/ Merrienne Manion**

Signature of Debtor 2

Executed on 09/28/2021  
MM / DD / YYYY**x /s/ Debra Booher**

Signature of Attorney for Debtor(s)

Date 09/28/2021

MM / DD / YYYY

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

## Exhibit: Total Amount of Estimated Trustee Payments

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	\$ 0.00
b. Modified secured claims (Part 3, Section 3.2 total)	\$
c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	\$ 10,330.00
d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	\$
e. Fees and priority claims (Part 4 total)	\$ 9,226.45
f. Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	\$ 11,383.00
g. Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	\$
h. Separately classified unsecured claims (Part 5, Section 5.3 total)	\$
i. Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	\$ 0.00
j. Nonstandard payments (Part 8, total)	+ \$
Total of lines a through j	\$ 30,939.45

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



  
Russ Kendig  
United States Bankruptcy Judge

Dated: 09:08 AM December 6, 2021

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : Chapter 13 Proceedings  
Anthony W. Manion and : Case No.: 21-60998  
Merrianne Manion, : Judge Russ Kendig  
Debtors. :

**JOINT STIPULATION AND AGREED ENTRY INCREASING  
THE PLAN PAYMENT TO RESTORE FEASIBILITY**

Now comes Chapter 13 Trustee, Dynele L. Schinker-Kuharich, and Debtors, Anthony & Merrianne Manion, by and through the undersigned counsel, and jointly stipulate and agree the Plan payments shall increase to \$523.00 per month beginning December 2021 to restore feasibility.

**THEREFORE, IT IS THE ORDER OF THIS COURT** that the Plan of the Debtor(s) is amended as stated above.

###

**Approved By:**

/s/ Debra E. Booher

Debra E. Booher (0067804)

Counsel for Anthony W. and Merrianne Manion

1350 Portage Trail

Cuyahoga Falls, OH 44223

Telephone: 330.253.1555

Facsimile: 330.253.1599

Email: [charlotte@bankruptcyinfo.com](mailto:charlotte@bankruptcyinfo.com)

**Submitted By:**

/s/ A. Michelle Jackson Limas

Dynele L. Schinker-Kuharich (0069389)

Chapter 13 Trustee

A. Michelle Jackson Limas (0074750)

Staff Counsel to the Chapter 13 Trustee

200 Market Avenue North, Ste. 30

Canton, OH 44702

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Debra E. Booher, Counsel for Anthony W. and Merrienne Manion, via the Court's Electronic  
Case Filing System at charlotte@bankruptcyinfo.com

Anthony W. Manion, Debtor, via regular mail at:  
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Hartville, OH 44632

Merrienne Manion, Debtor, via regular mail at:  
220 Wyandotte Trail SW  
Hartville, OH 44632